

CSD 2015 [03/01/15]

Name, Address, Telephone No. &amp; I.D. No.

Thomas H. Billingslea, Jr., Chapter 13 Trustee  
 Kathleen A. Cashman-Kramer [SBN 128861]  
 401 West "A" Street, Suite 1680  
 San Diego, CA 92101  
 619-233-7525

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 325 West "F" Street, San Diego, California 92101-6991

In Re  
 STEPHEN J. AND SHELLY L. LEWIS

BANKRUPTCY NO. 17-04699-CL13

Debtor.

**OBJECTION TO CLAIM AND NOTICE THEREOF**

TO: Leroy Herszman  
 3972 Haines Street  
 San Diego, CA 92109

The ☐ Trustee ☐ Debtor ☒ Chapter 13 Trustee, except to the extent already paid by the Chapter 13 trustee, objects to the allowance of Court

Claim No. 15-1, (or if no Court number assigned, Trustee Claim No. 18) of Leroy Herszman  
 (Name of Creditor)

filed for \$ 22,000.00, on the grounds it:

- ☐ Duplicates Claim No. \_\_\_\_\_ filed by \_\_\_\_\_
- ☒ The claim was filed after the expiration of the last date to file claims.
- ☐ Does not include an itemized statement of the account.
- ☐ Does not include a copy of the underlying
- ☐ Does not include a copy of the security agreement and evidence of perfection.
- ☐ Does not include a copy of the writing upon which it is based.
- ☐ Fails to assert grounds for priority.

For the following objections, attach and serve affidavits or declarations in accordance with Local Bankruptcy Rule 9013-7(a)(1):

- ☐ Appears to include interest or charges accrued after the filing of this case on \_\_\_\_\_
- ☐ Other [State grounds and cite applicable Code section or case authority]: \_\_\_\_\_

If you object to the proposed action:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to your bankruptcy case. If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:

-	MM	-	call	(619) 557-7407	-	DEPARTMENT ONE (Room 218)
-	LA	-	call	(619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	LT	-	call	(619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	PB	-	call	(619) 557-5157	-	DEPARTMENT FOUR (Room 328)
-	CL	-	call	(619) 557-6019	-	DEPARTMENT FIVE (Room 318)

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2. **WITHIN THIRTY (30) <sup>1</sup> DAYS FROM THE DATE OF SERVICE OF THIS MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184 <sup>2</sup>] upon the undersigned moving party, together with any opposing papers. The opposing declaration must be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration must:

- a. identify the interest of the opposing party; and
- b. state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 30-day<sup>1</sup> period provided by this notice, NO HEARING WILL TAKE PLACE, you will lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

I hereby declare under penalty of perjury that the objection set forth above is true and correct to the best of my information and belief.

DATED: March 8, 2018

/s/ Kathleen A. Cashman-Kramer

Trustee [Debtor]

#### CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on 8<sup>th</sup> day of March, 20 18, I served a true copy of this OBJECTION TO CLAIM AND NOTICE THEREOF, together with the following pleadings [describe any other papers]:

by [describe here mode of service]:

U.S. Mail, postage pre-paid

on the following persons [set forth name and address of each person served] and/or as checked below:

SEE ATTACHMENT TO THIS OBJECTION

☐ For Chpt. 7, 11, & 12 cases:

UNITED STATES TRUSTEE  
Department of Justice  
402 West Broadway, Suite 600  
San Diego, CA 92101

☐ For ODD numbered Chapter 13 cases:

THOMAS H. BILLINGSLEA, JR., TRUSTEE  
401 West "A" Street, Suite 1680  
San Diego, CA 92101

☐ For EVEN numbered Chapter 13 cases:

DAVID L. SKELTON, TRUSTEE  
525 "B" Street, Suite 1430  
San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on March 8, 2018  
(Date)

/s/ Kathleen A. Cashman-Kramer  
(Typed Name and Signature)

401 West "A" Street, Suite 1680  
(Address)

San Diego, CA 92101  
(City, State, ZIP Code)

<sup>1</sup>If you were served electronically or by mail, you have three (3) additional days to act as specified above pursuant to Fed. R. Bankr. P. 9006(f).

<sup>2</sup>You may obtain Local Form CSD 1184 from the Office of the Clerk of the U.S. Bankruptcy Court.

**Attachment to Notice of Objection to Claim and Notice Thereof**

**In re Lewis, Case no. 17-04699-CL13**

**Re: Claim no. 15-1 filed by Leroy Herszman**

Additional names and addresses of parties served: (\*Indicates served by certified mail, return receipt requested)

Leroy Herszman  
3972 Haines Street  
San Diego, CA 92109<sup>1\*</sup>

Law Offices of Michael H. Weiner, APC<sup>2\*</sup>  
1660 Hotel Circle North, Suite 302  
San Diego, CA 92101

Debtors:  
Stephen J. Lewis  
Shelly L. Lewis  
3975 Via Palo Verde Lago  
Alpine, CA 91901

Debtors' Counsel:  
Adam B. Arnold  
Law Offices of Adam B. Arnold  
PO Box 19100  
San Diego, CA 92159

Office of the U.S. Trustee:  
David Ortiz, Esq.  
Office of the U.S. Trustee  
880 Front St., Third Floor, Suite 3230  
San Diego, CA 92101

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<sup>1</sup> Address of the creditor for payments as shown on proof of claim #15-1.

<sup>2</sup> Address for notice as shown on proof of claim 15-1.